

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK BRIGHT,

Movant,

-v.-

UNITED STATES OF AMERICA,

Respondent.

23 Civ. 4524 (KPF)

18 Cr. 54 (KPF)

**ORDER DIRECTING
PETITIONER'S ATTORNEY
TO FILE AN AFFIDAVIT AND
DIRECTING THE GOVERNMENT
TO ANSWER**

KATHERINE POLK FAILLA, District Judge:

WHEREAS Frank Bright has moved for relief from his sentence pursuant to 28 U.S.C. § 2255 on the ground that his former attorneys, Bobbi Sternheim, Donald Joseph Yanella III, and Alex Huot provided ineffective assistance of counsel; and

WHEREAS the Court, after reviewing Mr. Bright's submission of his informed consent waiver of the attorney-client privilege and his 2255 petition, is satisfied that the testimony of Ms. Sternheim, Mr. Yanella, and Mr. Huot is needed in order to allow the Government to respond to the motion; and

WHEREAS by making the motion, Mr. Bright has waived the attorney-client privilege as a matter of law,

IT IS HEREBY ORDERED that Ms. Sternheim, Mr. Yanella, and Mr. Huot shall give sworn testimony, in the form of affidavits, addressing the allegations contained in Mr. Bright's 2255 petition, dated May 31, 2023. (23 Civ. 4524, Dkt. #1). Ms. Sternheim, Mr. Yanella, and Mr. Huot are ORDERED to submit such affidavits by **August 11, 2023**. Ms. Sternheim, Mr. Yanella, and Mr. Huot are further directed to serve Mr. Bright with a copy of such affidavits, and to file proof of such service on the docket.

The Government will have **60 days** from the receipt of Ms. Sternheim, Mr. Yanella, and Mr. Huot's affidavits to submit an answer or other pleadings in response to the pending petition and affidavits. Mr. Bright shall have **30 days** from the date on which he is served with the Government's answer to file a response. Absent further order, the Court will consider the petition fully briefed following Mr. Bright's response.

The Clerk of Court is directed to mail a copy of this Order to the individuals listed below the Court's signature.

SO ORDERED.

Dated: July 12, 2023
New York, New York



KATHERINE POLK FAILLA
United States District Judge

By ECF and First Class Mail To:

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